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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,579	02/22/2002	Lee M. DeGross		1994
7590 07/27/2011				
Lee M. DeGross 400 Park Place, #1H Fort Lee, NJ 07024				
EXAMINER				
MCFADDEN, SUSAN IRIS				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
07/27/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/081,579

**Applicant(s)**

DEGROSS, LEE M.

**Examiner**

SUSAN MCFADDEN

**Art Unit**

2626

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24, 25, 27, 29, 32 and 35 is/are pending in the application.
- 4a) Of the above claim(s) 39-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 39-53 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

***Response to Arguments***

1. Applicant's arguments filed 6-6-11 have been fully considered but they are not persuasive. Applicant has agreed that the prior art, Martinez et al. (7,519,576) does show a dictionary feature but is just arranged differently. Martinez et al. clearly show in the Abstract that a dictionary or thesaurus could be used. Applicant has argued about the omission of elements. These elements are not in the claims. Applicant has added new claims 39-52 which are rejected as not filed in the original presentation. The following rejections still exist:
2. Newly submitted claims 39-52 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they add the additional features of a "sense of a word", "menu choices", and "selecting different meanings".

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-52 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2626

2. Claims 24,25,27,29,32, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 24, "simple and convenient manner" is vague and indefinite. This also seems to be an intended use. It should be deleted from the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 24,25,27,29,32, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al. (7,519,576).

In regard to claims 24,25,27,29,32, and 35, Martinez et al. show a method with a means for conveniently providing dictionary elements and other relevant elements of a word or phrase for computer users, comprising: (a) using a computer (Fig. 1, item 110), (b) utilizing a text displayed on a computer screen (Fig. 2, item 210), (c) having a cursor present on said computer screen (Fig. 2, item 220, col. 4, ln 20-25), whereby the dictionary elements for a word or phrase are presented in pop up digital spaces when said cursor is placed over said word or phrase in said text (Fig. 4), wherein said dictionary elements includes a

Art Unit: 2626

definition presented in said pop up digital spaces (col. 1, ln 15-30, Fig. 4, item 710, claim 3 – said database is a dictionary), wherein said pop up digital spaces presents various images that includes digital video when said cursor is placed over said word or phrase in said text (claim 4 – graphical images), wherein said pop up digital spaces are menu driven and utilize the drag and selection methods of said cursor to select various choices in the menus (menu usage, col. 1, ln 40-55), wherein the dictionary elements that present more than one meaning of said word or phrase, the intended contextual meaning of said word or phrase can be highlighted or otherwise distinguished (Fig. 8, item 810), further including said dictionary elements presented in said pop up digital spaces are from a sources that includes published works (thesaurus and dictionary, claims 2 and 3), wherein said dictionary elements are to be used judiciously (Fig. 5), wherein said pop up digital spaces can present a plurality of said pop up digital spaces (Fig. 13), further including various images presented in said pop up digital spaces that are from a sources that includes professional works (claims 2-4), further including a computer machine that evolved to present said dictionary elements for said word or phrase in said pop up digital spaces (Fig. 13), wherein said cursor includes a mouse click selection method or touchscreen selection method (col. 5, ln 30-35).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

Art Unit: 2626

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (cited above) in view of Abir (6,692,170).

In regard to claim 35, Martinez et al. show the method discussed above. They do not specifically show that a language used in said pop up digital spaces can be different from the language used in said text or be a multitude of languages. Abir shows that a language translator feature could be added to an electronic dictionary (claims 13-15, col. 8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because they make the system more user-friendly.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan McFadden/  
Primary Examiner, Art Unit 2626  
July 26, 2011